

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED

UNITED STATES DISTRICT COURT
for the
Western District of Virginia

JUN 29 2017

JULIA C. DUDLEY, CLERK
BY: *H.M. Daniel*
DEPUTY CLERK

CEDRICK EVRON DRAPER,)
Plaintiff)
v.) Civil Action No. 4:17CV00042
MUY PIZZA HUT SOUTHEAST LLC, ET)
AL.,)
Defendants)

ORDER TO PROCEED WITHOUT PREPAYING FEES OR COSTS

IT IS ORDERED: The plaintiff's application under 28 U.S.C. § 1915 to proceed without prepaying fees or costs is:

☐ Granted:

☐ The Clerk is ordered to file the complaint. Plaintiff is represented by counsel and has not requested that the Court order that service of the summons and complaint be made by the United States Marshal. Accordingly, counsel for plaintiff is directed to effect service of process upon defendant(s).

☐ The Clerk is ordered to file the complaint and issue a summons. The United States Marshal is ordered to serve the summons with a copy of the complaint and this order on the defendant(s). The United States will advance the costs of service.

☒ Denied:

☒ This application is denied for these reasons: Pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), the complaint is frivolous. Plaintiff refiled a complaint that this court previously dismissed for failure to state a claim.

☒ If the filing fee is not paid by cash, money order, or cashier's check, within 14 days, the case will be dismissed with prejudice.

Date:

6-29-17

Jackson L. Kiser
Hon. Jackson L. Kiser, Senior U.S. District Judge